

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK EGELER #630821,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:17-CV-1099

CORIZON HEALTH, INC., et al.,

Defendants.

REPORT AND RECOMMENDATION

This matter is before the Court on Defendant's Motion for Summary Judgment. (ECF No. 31). Pursuant to 28 U.S.C. § 636(b)(1)(B), the undersigned recommends that Defendants' motion be **granted**.

Plaintiff initiated this action on December 14, 2017, against Corizon Health Care Services and Dr. Robert Crompton. On September 20, 2018, Defendant Crompton moved for summary judgment. (ECF No. 31). On October 11, 2018, the Court granted Plaintiff's motion for extension of time, giving him until November 15, 2018, to respond to Defendant's motion. (ECF No. 35-36). On November 13, 2018, Plaintiff again moved for an extension of time to respond to Defendant's motion. (ECF No. 37). On November 20, 2018, the Court granted Plaintiff's motion. (ECF No. 39). Plaintiff was given until December 18, 2018, to respond to Defendant's motion. (ECF No. 39). This extended deadline has now passed and Plaintiff has still failed to respond to Defendants' motion for summary judgment.

While Plaintiff is representing himself, pro se litigants are "still required to follow the rules of civil procedure and easily-understood Court deadlines." *Ciavone v. McKee*, 2009 WL

2959737 at *6 (W.D. Mich., Sept. 10, 2009). Failure by a plaintiff to respond to a motion for summary judgment constitutes a forfeiture of the claims to which the motion is addressed. *See Notredan, L.L.C. v. Old Republic Exchange Facilitator Co.*, 531 Fed. Appx. 567, 569 (6th Cir., July 29, 2013) (failure to respond to an argument that a claim is subject to dismissal “amounts to a forfeiture of [such] claim”). Likewise, opposition to a motion for summary judgment is waived, and dismissal appropriate, where the plaintiff fails to respond thereto. *See Humphrey v. United States Attorney General’s Office*, 279 Fed. Appx. 328, 331 (6th Cir., May 15, 2008) (“if a plaintiff fails to respond or otherwise oppose a defendant’s motion, then the district court may deem the plaintiff to have waived opposition to the motion”); *Allen v. NCL America LLC*, - - - Fed. Appx. - - -, 2018 WL 3359206 at *3 (6th Cir., July 10, 2018) (by failing to respond to motion to dismiss, plaintiff waived opposition thereto); *Moody v. CitiMortgage, Inc.*, 32 F.Supp.3d 869, 875 (W.D. Mich. 2014) (“[a] plaintiff must oppose a defendant’s motion to dismiss or otherwise respond or he waives opposition to the motion”); *Thorn v. Medtronic Sofamor Danek, USA, Inc.*, 81 F.Supp.3d 619, 631 (W.D. Mich. 2015) (same).

CONCLUSION

For the reasons articulated herein, the undersigned recommends that Defendant’s Motion for Summary Judgment, (ECF No. 31), be **granted**.

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C).

Failure to file objections within the specified time waives the right to appeal the District Court's order.

See Thomas v. Arn, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir.1981).

Respectfully submitted,

Dated: December 28, 2018

/s/ Ellen S. Carmody

ELLEN S. CARMODY

United States Magistrate Judge